

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

*Ahold USA, Inc., et al. v. Actavis
Holdco U.S., Inc. et al.*

*1199SEIU Nat'l Benefit Fund, et al.
v. Actavis Holdco US, Inc.*

*Humana Inc. v. Actavis Elizabeth,
LLC et al.*

*West Val Pharm., et al. v. Actavis
Holdco U.S., Inc.*

*The Kroger Co., et al. v. Actavis
Holdco U.S., Inc.*

*Marion Diagnostic Center, LLC, et
al. v. McKesson Corp., et al.*

*The State Attorneys General
Litigation*

MDL 2724
16-md-2724

HON. CYNTHIA M. RUFE

Civil Action Nos.

18-2641
18-2401
18-3299
18-2533
18-284
18-4137
17-3768

**[PROPOSED] ORDER GRANTING
APOTEX CORP.'S INDIVIDUAL MOTION TO DISMISS
PLAINTIFFS' OVERARCHING CONSPIRACY CLAIMS**

AND NOW, this ____ day of _____ 2019, upon consideration of Defendant Apotex Corp.'s ("Apotex") Individual Motion to Dismiss Plaintiffs' Overarching Conspiracy Claims ("Apotex's Motion to Dismiss"), and any responses thereto, it is hereby **ORDERED** that Apotex's Motion to Dismiss is **GRANTED**, and the following claims for relief, causes of action, and counts set forth in the following Plaintiffs' complaints are hereby **DISMISSED** with

prejudice insofar as the various claims for relief, causes of action, or counts are brought against Apotex for its alleged participation in an overarching conspiracy to fix, raise and/or stabilize prices or allocate markets for generic pharmaceuticals, and insofar as the various claims for relief, causes of action, or counts seek to impose joint and several liability upon Apotex for its alleged participation in an overarching conspiracy:

- a) The Claim for Relief for Conspiracy in Restraint of Trade in Violation of Sherman Act Sections 1 and 3 set forth in the Direct Purchaser Class Action Complaint;
- b) The First Count for Violation of Sections 1 and 3 of the Sherman Act – Injunctive Relief and Second Count for Violation of Sections 1 and 3 of the Sherman Act – Damages set forth in the Indirect Reseller Plaintiffs’ Amended Overarching Complaint;
- c) The First Count for Violation of Sections 1 and 3 of the Sherman Act set forth in the End-Payer Class Action Complaint;
- d) Count CVI for Violation of Section 1 of the Sherman Act (All Subject Drugs) and Count CX for Declaratory and Injunctive Relief Under Section 16 of the Clayton Act for Violations of Sections 1 and 2 of the Sherman Act (All Subject Drugs) set forth in Humana, Inc.’s Amended Complaint;
- e) Counts One, Two, Three, Four, Five, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, and Eighteen set forth in the Plaintiff States’ Consolidated Amended Complaint;

- f) Count One for Overarching Conspiracy on All Price-Fixed Generic Drugs Against All Defendants set forth in The Kroger Co., Albertsons Companies, LLC, and H.E. Butt Grocery Company L.P. Amended Complaint; and
- g) Count I for Restraint of Trade (Section 1 of the Sherman Act) set forth in Marion Diagnostic Center, LLC and Marion Healthcare, LLC's Class Action Complaint.

BY THE COURT:

CYNTHIA M. RUFE
United States District Judge